

AMENDMENTS TO THE DRAWINGS

The drawings have been amended to change FIG. 13 as suggested by the Examiner. Specifically, the text "snap ring groove" has been deleted and new reference numerals 15, 31, 40 and 42 have been added. Attached is one drawing sheet depicting FIGS. 13-16 and showing the corrections made to the drawing. A replacement sheet depicting FIGS. 13-16 is also attached for entry upon approval of the corrections.

Attachments: One Replacement Sheet Depicting FIGS. 13-16
 One Annotated Sheet Highlighting Changes to FIGS. 13-16

REMARKS

This Amendment responds to the Office Action mailed June 16, 2006. Claims 1-25 remain pending in the application and stand rejected. Claims 1, 11-13 and 16 have been amended, and claims 2 and 10 have been canceled. Applicants respectfully request reconsideration in view of the following remarks.

Objections to the Specification

The Specification was objected to for informalities related to the recitation of "flat surfaces" as tensioning means in claim 11. Applicants respectfully traverse this objection and submit that claim 11 is supported by the Specification at page 18, line 20 through page 19, line 2, and FIG. 19. Therein, the Specification states:

FIGS. 18-20 show an alternative embodiment of the present invention wherein progressive linear engagement of the compression ring over the collet member applies tension to the shank member as it ramps upwardly on the collet. In this embodiment the shank member includes at least one conical or angled surface 29 which cooperates with a conjugate surface 30 within the collet member 11.

As seen in FIG. 19, conical or angled surface 29 and conjugate surface 30 are flat surfaces. Accordingly, Applicants respectfully request that the objections to the Specification be withdrawn.

Objections to the Drawings

The drawings were objected to for allegedly failing to illustrate a "conical surface" as set forth in claim 9. Applicants respectfully traverse this objection to the drawings,

and refer the Examiner to the Specification at page 18, line 20 through page 19, line 2, and FIG. 19, as discussed above. FIG. 19 illustrates a cross-section of a linear fastener. Surface 30 extends circumferentially around the collet 11 and therefore defines a conical surface.

FIG. 13 was objected to for the inclusion of the text "snap ring groove". FIG.13 has been amended to delete the text and to indicate this feature with reference numerals, as suggested by the Examiner. For at least the reasons discussed above, Applicants respectfully request that the objections to the drawings be withdrawn.

Claims Rejected Under 35 U.S.C. §112

Claim 11 stands rejected under 35 U.S.C. §112, first and second paragraphs, for informalities related to the recitation of "flat surfaces". Applicants respectfully traverse the rejection of claim 11 under 35 U.S.C. §112, and refer the Examiner to the Specification at page 18, line 20, through page 19, line 2, and FIG. 19, as discussed above. Applicants respectfully assert that "flat surfaces" is sufficiently described in the Specification and request that the rejection of claim 11 under 35 U.S.C. §112 be withdrawn.

Claims Rejected Under 35 U.S.C. §102

Claims 1-11, 16, 17, 19 and 24 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,162,234 to Freedland et al. To anticipate a claim under 35 U.S.C. §102, the reference must disclose each and every element recited in

the claim.

Claim 1 is the only independent claim of this rejected group and has been amended herein to include the subject matter of claims 2 and 10. Applicants assert that amended claim 1 is not taught, or even suggested, by Freedland '234 because Freedland '234 fails to teach or suggest a linear fastener system including a shank member "comprising a tensioning portion at said first end whereby said shank member is configured to be tensilely loaded when said collet member is in said release position," as required by amended claim 1. Rather, Freedland '234 is directed to an orthopedic fastener wherein tension may be applied to a shaft of the fastener by turning the collet member 12. (See Freedland '234 at col. 21, lines 17-27.) For at least this reason, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Claims 3-9, 11, 16, 17, 19 and 24 each depend from independent claim 1, and are therefore in condition for allowance for at least the reasons discussed above with respect to claim 1. Claims 2 and 10 have been canceled. Applicants further traverse the rejection of claim 16 because Freedland '234 fails to teach, or even suggest, a fastener system "wherein said tensioning portion includes a frangible stem, whereby said frangible stem is severed from said first end of said shank member when said shank member reaches a predetermined tension," as required by claim 16. Specifically, Freedland '234 does not teach or suggest a frangible stem that is severed from the first end of a shank member when the shank member reaches a predetermined tension, as required by claim 16. Rather, Freedland '234 states that any excess portion of the shaft may be "cut off". (See Freedland '234 at col. 12, lines 39-40; col. 18, lines 46-49; and

col. 19, lines 46-47.) For at least these reasons, Applicants respectfully request that the rejections of 3-9, 11, 16, 17, 19 and 24 over Freedland '234 be withdrawn.

Claims Rejected Under 35 U.S.C. §103

Claims 12-15, 18, 20-23 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Freedland '234. Each of claims 2-5, 18, 20-23 and 25 depends from independent claim 1. Applicants assert that these claims are therefore in condition for allowance for at least the reasons discussed above with respect to claim 1. Specifically, Freedland '234 fails to teach or suggest a shank member "comprising a tensioning portion at said first end whereby said shank member is configured to be tensilely loaded when said collet member is in said release position," as recited in claim 1. For at least these reasons, Applicants respectfully request that the rejections of claims 12-15, 18, 20-23 and 25 over Freedland '234 be withdrawn.

Conclusion

In view of the foregoing amendments to the Specification and claims, and the remarks set forth herein, Applicants believe this case is in condition for allowance and respectfully request allowance of the pending claims. If the Examiner believes any issue requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicants do not believe that any fees are due in connection with this submission. However, if any additional fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,

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